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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,468	03/23/2007	Jan Hall	NOBELB.245NP	4924
29995 7590 07/26/2011 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614				
EXAMINER MAL HAO'D				
ART UNIT 3732		PAPER NUMBER		
NOTIFICATION DATE 07/26/2011		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/582,468

Applicant(s)

HALL, JAN

Examiner

HAO D. MAI

Art Unit

3732

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-10, 14-16 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-10, 14-16 and 18-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-945)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 01/27/2011, 02/04/2011
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/27/2011 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1, 3-7, 9-10, 14-16, and 18-20, are rejected under 35 U.S.C. 103(a) as being unpatentable over Sachdeva et al. (5,697,779) in view of Blanquaert (4,261,063).**

Regarding claims 1 and 19, Sachdeva et al. disclose a dental implant 10 sized and configured to fit at least partially in a hole 30 formed in jaw bone 28 and through soft tissue belong to the jaw bone (Fig. 1). The dental implant has an upper portion 13 and a lower portion 10 with an annular rings 24 or thread 452 as shown in Figure 1 and 5, respectively. Sachdeva et al. disclose the implant 10 being made of titanium dioxide (column 3 line 56) but fails to disclose one or more titanium dioxide layers applied on at least one outer surface of the

threaded lower portion, wherein between about 70-100% of each layer comprise crystalline titanium dioxide in the anatase phase.

Blanquaert discloses a bone prosthetic titanium pin 1 (Figs. 1-2) comprising a lower scale- and lattice-covered portion, which further comprise at least one layer of surface coating of anatase-phase titanium dioxide thereon (column 2 lines 44-53). It is inherently that 70%-100% of the surface coating layer is in anatase-phase titanium dioxide according to Blanquaert's teaching of subjecting the assembly to anodic oxidation at 20-200 volts in order to form the anatase-phase coating (column 2 lines 44-53). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Sachdeva et al. by forming an anatase-phase titanium dioxide coating thereon the implant's lower threaded portion in order to protect the implant against long-term oxidation of the titanium as explicitly taught by Blanquaert (column 1 lines 51-53).

As to claims 3 and 20, Blanquaert discloses the surface layer of anatase being 3000 to 3500 angstroms (column 2 lines 52-53), which is converted to be 0.30 - 0.35 μm . Such range is within the claimed range of 0.05 - 10 μm . **As to claims 4-5, 10, and 14-15**, Blanquaert discloses a majority of the outer surfaces of the dental component are provided with crystalline titanium dioxide in the anatase phase.

As to claims 6 and 9, Sachdeva's implant 10 comprises a threadless outer surface 13 capable of being placed against soft tissue. **As to claims 7, 16, and 18**, Sachdeva et al. discloses coating a dental implant with bone morphogenetic protein (BMP), a bone stimulation substance, for osteoinductive purposes (column 7 lines 16-36).

Response to Arguments

4. Applicant's arguments filed 01/27/2011 have been fully considered but they are not persuasive and/or moot in view of the new ground(s) of rejection as detailed above. Applicant's argument regarding the newly positively recited limitation of a dental implant having threads fail to overcome the rejection above as the primary cited reference Sachdeva discloses a dental implant as claimed.

Applicant argued that Blanquaert does not inherently disclose a layer of 70-100% anatase. The examiner maintains that Blanquaert discloses "a coating of titanium oxide obtained by anodic oxidation at 20 -200 volts, until a surface layer of anatase of 3000-35000 Angstrom is formed" (column 2 lines 44-59); therefore such coating of titanium oxide is inherently at least 70-100% in anatase phase titanium dioxide as claimed. Note that Blanquaert's range of 20-200 volts for the anodic oxidation overlaps with Applicant's disclosed range of 100-270 volts (Specification, page 3 lines 18-22); and Blanquaert's anatase layer has a thickness in the range of 0.3 - 0.35 μm , which is within or narrower than the Applicant's claimed thickness' range of 0.05 – 10 μm . Also note that Blanquaert discloses such anatase coating being advantageous over a rutile coating (column 2 lines 57-59), implicitly teaching away from overheating that would convert the anatase to rutile.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HAO D. MAI whose telephone number is (571)270-3002. The examiner can normally be reached on Monday-Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cris Rodriguez can be reached on (571) 272-4964.

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The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

If there are any inquiries that are not being addressed by first contacting the Examiner or the Supervisor, you may send an email inquiry to TC3700_Workgroup_D_Inquiries@uspto.gov.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/Hao D Mai/
Examiner, Art Unit 3732**

**/Cris L. Rodriguez/
Supervisory Patent Examiner, Art Unit 3732**